

EV524132937

1 **IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

2 Application Serial No.10/694,080
3 Filing Date10/24/03
4 Inventorship Relyea et al.
Assignee Microsoft Corporation
5 Group Art Unit
Examiner
6 Attorney's Docket No. MS1-1779US
Confirmation No.4089
Title: Programming Interface for a Computer Platform

7 **PETITION TO SUSPEND RULES PURSUANT TO RULE 1.183**

8 To: Commissioner for Patents
9 PO Box 1450
Alexandria, Virginia 22313-1450

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11 From: Steven R. Sponseller (Tel. 509-324-9256; Fax 509-323-8979)
Customer No. 22801

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14 Applicant submits that the subject application was filed under extraordinary
15 circumstances. The application contains content from a Software Development Kit
16 (SDK) for the Microsoft® Windows® Code-Named "Longhorn" operating
17 system. The SDK contains documentation for the Microsoft® Windows® Code-
18 Named "Longhorn" operating system.

19 The application was filed with two duplicative sets of three compact discs
20 (CD-Rs) each labeled "Copy 1" and "Copy 2". The two sets of compact discs are
21 identical. The compact discs in each set, and files stored thereon, may be read
22 using a Windows®-based computing device (e.g., IBM-PC, or equivalent) that
23 executes a Windows®-brand operating system (e.g., Windows® NT, Windows®
24 98, Windows® 2000, Windows® XP, etc.). The first compact disc in each set of
25 three compact discs (CD 1 of 3) includes a file folder named "lmsdk" that was

1 Each of these three files contains a table that has more than 50 pages of
2 text. These tables list the files included on the two duplicative sets of three
3 compact discs (CD-Rs) each labeled "Copy 1" and "Copy 2" filed with the
4 application.

5 As required in the Notice to File Missing Parts for the present application,
6 accompanying this petition is a statement listing all the files contained on the sets
7 of three compact discs filed with the application, including their names, sizes in
8 bytes, and dates of creation and a preliminary amendment listing all the files
9 contained on the sets of three compact discs filed with the application, including
10 their names, sizes in bytes, and dates of creation for the specification.

11 Applicant hereby requests, pursuant to Rule 1.183, suspension of Rule
12 1.52(e)(3)(ii) to allow the transmittal letter listing of all the files contained on the
13 sets of three compact discs filed with the application, including their names, sizes
14 in bytes, and dates of creation, to be submitted in the tables on the accompanying
15 discs. Applicant further hereby requests, pursuant to Rule 1.183, suspension of
16 Rule 1.52(e)(5) to allow the specification listing of all the files contained on the
17 sets of three compact discs filed with the application, including their names, sizes
18 in bytes, and dates of creation, to be submitted in the tables on the accompanying
19 discs.

20 Applicant's counsel, Allan Sponseller (Reg. No. 38,318), discussed this
21 matter with Michael Lewis of the USPTO on August 17, 2004. Submission of this
22 petition along with the tables on the accompanying duplicate discs and
23 accompanying amendment to the specification was determined to be the most
24 appropriate course of action to ensure compliance with the filing requirements.
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1 The Office is hereby authorized to charge petition fees set forth in § 1.17(h) to
2 our Deposit Account is 12-0769.

3 Respectfully submitted,

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5 Dated: 8-30-04

By: 

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